

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re 1.53(b) divisional of:)
Serial No. 08/934,659)
Gerard ORTH et al.)
Serial No.: Not yet assigned) Prior Group Art Unit: 1656
Filed: November 15, 2001) Prior Examiner: E. Campbell

For: IMMUNOGENIC COMPOSITIONS OF HUMAN PAPILLOMAVIRUS AND SERA
PRODUCED THEREFROM (As Amended)

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

PRELIMINARY AMENDMENT

Prior to the examination of this application on the merits, please enter the
following amendments.

IN THE TITLE:

Please delete "PAPILLOMAVIRUS PROBE AND PROCESS FOR *IN VITRO*
DIAGNOSIS OF PAPILLOMAVIRUS INFECTIONS" and insert therefor:
IMMUNOGENIC COMPOSITIONS OF HUMAN PAPILLOMAVIRUS AND SERA
PRODUCED THEREFROM

IN THE SPECIFICATION:

Page 1, lines 1-2, please delete the title and insert therefor:

IMMUNOGENIC COMPOSITIONS OF
HUMAN PAPILLOMAVIRUS AND SERA PRODUCED THEREFROM

This application is a divisional of application Serial No. 08/934,659, filed September 22, 1997, allowed; which is a continuation of application Serial No. 08/483,165, filed June 7, 1995, now U.S. Patent No. 5,876,922; which is a continuation of 08/274,159, filed July 14, 1994, now U.S. Patent No. 5,712,092; which is a continuation of Serial No. 07/914,002, filed July 16, 1992, now abandoned; which is a continuation of Serial No. 07/758,421, filed September 3, 1991, now abandoned; which is a continuation of Serial No. 07/624,463, filed December 10, 1990, now abandoned; which is a continuation of Serial No. 07/453,218, filed December 21, 1989, now abandoned; which is a continuation of Serial No. 07/276,388, filed November 25, 1988, now abandoned; which is a continuation of Serial No. 07/159,442, filed February 18, 1988, now abandoned; which is a continuation of Serial No. 06/760,993, filed July 31, 1985, now abandoned; all of which are hereby incorporated by reference.

IN THE CLAIMS:

Please cancel claims 1-9 without prejudice or disclaimer.

Please add the following new claims.

--10. (NEW) A serum for inducing remission of a human papillomavirus (HPV) infection, said serum produced by immunizing a mammal with an immunogenic composition, wherein said immunogenic composition comprises a polypeptide encoded by a DNA of a human papillomavirus, wherein said DNA is about 7,000 to about 8,000 base pairs, and wherein said human papillomavirus is selected from the group consisting of HPV-2d, HPV-10b, HPV-14a, HPV-14b, HPV-15, HPV-17a, HPV-17b,

HPV-19, HPV-20, HPV-21, HPV-22, HPV-23, HPV-24, HPV-28, HPV-29, HPV-31, HPV-32, HPV-IP2, and HPV-IP4.

11. (NEW) The serum according to claim 10, wherein said polypeptide is encoded by a human papillomavirus gene selected from the group consisting of E1, E6, E7, L1, and L2.

12. (NEW) The serum according to claim 10, wherein said human papillomavirus gene is E6 or E7.

13. (NEW) An immunogenic composition, comprising a physiologically acceptable pharmaceutical carrier and a polypeptide encoded by a DNA of a human papillomavirus (HPV), wherein said DNA is about 7,000 to about 8,000 base pairs, and wherein said human papillomavirus is selected from the group consisting of HPV-2d, HPV-10b, HPV-14a, HPV-14b, HPV-15, HPV-17a, HPV-17b, HPV-19, HPV-20, HPV-21, HPV-22, HPV-23, HPV-24, HPV-28, HPV-29, HPV-31, HPV-32, HPV-IP2, and HPV-IP4.

14. (NEW) The immunogenic composition according to claim 13, wherein said polypeptide is encoded by a human papillomavirus gene selected from the group consisting of E1, E6, E7, L1, and L2.

15. (NEW) The immunogenic composition according to claim 13, wherein said human papillomavirus gene is E6 or E7.

16. (NEW) A vaccine comprising an immunogenic composition, wherein said immunogenic composition comprises a polypeptide encoded by a DNA of a human papillomavirus (HPV), wherein said DNA is about 7,000 to about 8,000 base pairs, and wherein said human papillomavirus is selected from the group consisting of HPV-2d,

HPV-10b, HPV-14a, HPV-14b, HPV-15, HPV-17a, HPV-17b, HPV-19, HPV-20, HPV-21, HPV-22, HPV-23, HPV-24, HPV-28, HPV-29, HPV-31, HPV-32, HPV-IP2, and HPV-IP4.

17. (NEW) The vaccine according to claim 16, wherein said polypeptide is encoded by a human papillomavirus gene selected from the group consisting of E1, E6, E7, L1, and L2.

18. (NEW) The vaccine according to claim 16, wherein said human papillomavirus gene is E6 or E7.--

REMARKS

Claims 10-18 are pending in this application. Claims 1-9 have been canceled without prejudice or disclaimer. Claims 10-18 have been added and are directed to non-elected subject matter (Group II) from U.S. Application S.N. 08/934,659 ("the '659 application") (See, Office Action dated May 27, 1999, page 2.) Specifically, claims 10-12 correspond to claim 14 from the '659 application; claims 13-15 correspond to claim 15 of the '659 application; and claims 16-18 correspond to claim 17 of the '659 application. Support for claims 10-18 can be found throughout the specification, including, for example at pages 32-33. Accordingly, this Preliminary Amendment does not introduce new matter into the specification.


During prosecution of the '659 application, there was some confusion about the Restriction Requirement and whether claim 15 belonged to Group I (elected claims) or Group II (non-elected claims). This issue was never resolved. Adding to the uncertainty, in the Notice of Allowance for the '659 application, claim 15 was not listed

as an allowed claim, but claim 19, which depends from claim 15, was. Applicants are awaiting receipt of the issued patent to determine if claim 15 was allowed. In the meantime, as a precaution, applicants have added claims 13-15 in this application, which correspond to claim 15 of the '659 application.

If there is any fee due in connection with the filing of this Preliminary Amendment, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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APPENDIX

IN THE SPECIFICATION:

Page 1, lines 1-2, please delete the title and insert therefor:

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